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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,196	03/29/2004	Ryan T. Powers	23900-RA	1388
30184	7590	11/06/2007		
MYERS & KAPLAN INTELLECTUAL PROPERTY LAW, L.L.C. CUMBERLAND CENTER II 3100 CUMBERLAND BLVD, SUITE 1400 ATLANTA, GA 30339			EXAMINER ANDERSON, JOHN A	
			ART UNIT 4137	PAPER NUMBER
			MAIL DATE 11/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/812,196

Applicant(s)

POWERS ET AL.

Examiner

John A. Anderson

Art Unit

4137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>jun/25/2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,12-15 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mathews (US PG PUB 2003/0061162 A1).

As regards claims 1 and 23, Mathews discloses A method of remittance funds transfer, said method comprising the steps of: deducting a remittance amount from a first party's income over a selected pay period; [0035]. Mathews discloses providing a receiving party with access to at least a portion of the remittance amount. [0037]

As regards claims 2 and 13 Mathews discloses wherein said step of providing a receiving party with access to the remittance amount comprises the step of issuing debit cards to the first party and the receiving party. [0022]

As regards claims 3 and 14 Mathews discloses wherein said debit cards provide the first party and the receiving party with access to an associated deposit account. [0019,0028]

Art Unit: 4137

As regards claims 4 and 15, Mathews discloses wherein the remittance amount deducted from the first party's income includes a transaction fee. [0020]

As regards claims 12 and 22, Mathews disclose a. a sender; [0035], a receiving party [0037], a service entity providing remittance funds transfer services to said sender through said sender's employer [0028], a step of deducting a remittance amount from said sender's income over a selected pay period [0035], a step of providing said receiving party with access to the remittance amount [0037].

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-9, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathews (US PG PUB 2003/0061162 A1) in view of Ganesan et al (USPB PUB 2002/0087465 A1).

Art Unit: 4137

4. As regards claims 5 and 16, Mathews teaches a transaction fee deducted from the first party's income [0020]. Mathews does not teach transferring the remittance amount and transaction fee to an escrow account. Ganesan teaches the seller/shipping agent may transmit a payment collection file to the processing escrow agent. [0191] It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Ganesan in the device of Mathews. The motivation would have been to provide a technique whereby a party may register for and utilize the services of an electronic payment service in a single on-line session. [0041]

5. As regards claims 6 and 17, Mathews teaches a transaction fee deducted from the first party's income [0020]. Mathews does not teach extracting from said escrow account the transaction fee. Ganesan teaches fees may be levied when funds are debited from a purchaser account [0260].

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Ganesan in the device of Mathews. The motivation would have been to provide a means for paying for the services render by the financial institution.

6. As regards claims 7 and 18, Mathews teaches a transaction fee deducted from the first party's income [0020]. Mathews does not teach transferring the remittance amount from said escrow account to said deposit account. Ganesan teaches in such a

Art Unit: 4137

case, the registered user may specify which payment method to use on a per-transaction basis, [0259].

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Ganesan in the device of Mathews. The motivation would have been to provide a technique in which a payment request is timely and efficiently processed; yet a provider of a payment service is protected from financial risk.

7. As regards claims 8 and 19, Mathews discloses wherein said debit cards provide the first party and the receiving party with access to an associated deposit account, [0019,0028]. Mathews does not disclose the step of activating said debit cards.

Ganesan discloses the processing agent 130 initiates a debit of funds from a donor's account and the state of the gift payment with e-card request is changed to "debit initiated," [0237].

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Ganesan in the device of Mathews. The motivation would have been to provide a technique whereby a party may register for and utilize the services of an electronic payment service in a single on-line session.

8. As regards claims 9 and 20, Mathews discloses providing a receiving party with access to at least a portion of the remittance amount, [0037]. Mathews does not disclose wherein the receiving party resides internationally with respect to the domicile

Art Unit: 4137

of the first party. Ganesan discloses such cards are now widely used throughout the world to make purchases without cash, [0013].

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Ganesan in the device of Mathews. The motivation would have been to provide worldwide access and utility.

9. Claims 10, 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathews (US PG PUB 2003/0061162 A1) in view of Fleischl et al (US PATENT 6,038,552).

As regards claims 10 and 21, Mathews discloses providing a receiving party with access to at least a portion of the remittance amount, [0037]. Mathews does not disclose wherein said step of providing a receiving party with access to the remittance amount comprises a financial vehicle selected from the group consisting of remittance cards, debit cards, cash cards, smart cards, hard currency, checks, negotiable instruments, non-negotiable instruments, retirement accounts, stock market funds, mutual funds, certificates, bonds, personal accounts, business accounts, and combinations thereof. Fleischl et al discloses there is shown in FIG. 1 a block diagram of a system for carrying out a commercial transaction using a combined credit and debit card, [column 3, line 20-23].

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Fleischl in the device of Mathews. The motivation would

Art Unit: 4137

have been to overcome the drawbacks of the prior art commercial transaction system; the present invention employs a method for executing a transaction using a credit card.

10. As regards claim 11, Mathews discloses deducting a remittance amount from a first party's income over a selected pay period; [0035]. Mathews does not disclose wherein said step of providing a receiving party with access to the remittance amount comprises a financial vehicle selected from the group consisting of remittance cards, debit cards, cash cards, smart cards, hard currency, checks, negotiable instruments, non-negotiable instruments, retirement accounts, stock market funds, mutual funds, certificates, bonds, personal accounts, business accounts, and combinations thereof. Fleischl et al discloses there is shown in FIG. 1 a block diagram of a system for carrying out a commercial transaction using a combined credit and debit card, [column 3, line 20-23].

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Fleischl in the device of Mathews. The motivation would have been to overcome the drawbacks of the prior art commercial transaction system; the present invention employs a method for executing a transaction using a credit card.

### ***Conclusion***



Art Unit: 4137

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Anderson whose telephone number is 571-270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AKM ULLAH can be reached on 571-2722361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John A Anderson

Examiner

Art Unit 4137

  
AKM ULLAH  
SUPERVISORY PATENT EXAMINER

Application/Control Number: 10/812,196

Page 9

Art Unit: 4137